IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION No.2123 of 2006

Between:

M/s.Venkateswara Cool Drinks,Podili,

Prakasam District, rep. by its Proprietor,

G.Srinivasa Rao, S/o.Venkateswarlu,

Aged 32 years.

..... PETITIONER

AND

1.The Joint Commissioner of commercial Taxes (Legal)

O/o.The Commissioner of Commercial Taxes,

Excise & Commercial Taxes Building,

M.G.Road, Nampally, Hyderabad, and 2 others.

.....RESPONDENTS

ORDER: **(Per Hon'ble Sri Justice Bilal Nazki,)**

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(Bilal Nazki, J)

6th February, 2006

(G.Chandraiah, J)

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